

U.S. Application No. 10/587,692 -- 4

In the Drawings:

Replace FIGS. 1 – 3 of the drawings with the amended FIGS. 1 – 3 found on Replacement Sheets 1/3, 2/3, and 3/3.

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REMARKS

Claims 5 – 8 remain in this application. Reconsideration of this application in view of the amendments noted is respectfully requested.

In the Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "A, B, C, D, and E" have been used to designate multiple parts.

FIG. 1 has been amended as shown in the Replacement Sheet included with this response. In this regard, reference character "A" in FIG. 1 is now reference numeral --1--, reference character "B" is now --2--, reference character "C" is now --3--, reference character "D" is now --4--, reference character "E" is now --5--, reference character "F" is now --6--, reference character "G" is now --7--, and reference character "H" is now --8--.

FIG. 2 has been amended to clarify which portion of the valve is the outflow adjustment needle B.

FIG. 3 has been amended to change reference character "C" representing the mobile claws to reference character --F--. Also, reference character "A" has been amended to be reference character --E-- to be consistent with FIG. 2.

For these reasons, applicant submits that the drawings are now compliant with Rule 1.84(p)(4). Accordingly, applicant respectfully requests that the objection to the drawings be withdrawn.

The first two paragraphs on page 4 of the originally filed specification have been amended to correspond with the changes to the reference characters in the drawings and to improve the readability of the translation.

Claims 7 and 8 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement. Specifically, the Office Action states that the specification provides no structural or functional detail as to how the "moveable claws co-operable with said outflow adjustment needle" are constructed or operated.

With respect to claims 7 and 8, the second paragraph of page 4 of the original specification (as now amended) states that: "FIGS. 2 and 3 depict the outflow control valve in more detail, including the valve's main body A, the outflow adjustment needle B, the

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valve adjustment ring C, the main structure of the valve setting D, and the mechanical set for the outflow fine adjustment E. FIG. 3 shows the specific mechanical assembly of the outflow fine adjustment, including the main body of the adjustment assembly E, the outflow adjustment needle B, and the mobile claws F of the fine adjustment system." In FIG. 2, it is clear that the adjustment needle moves linearly in the valve main body. In FIG. 3, it is clear that the movement of the outflow adjustment needle causes the mobile claws to pivot about the illustrated pivot points, thereby causing the ends of the claws to move inwardly or outwardly relative to the inner wall of the main body as illustrated by arrows, which increases or decreases the amount of flow through the exit end of the valve.

For these reasons, applicant submits that the structural and functional detail as to how the moveable claws are co-operable with the adjustment outflow needle are enabled by the disclosure.

Accordingly, applicant respectfully requests that the Section 112 rejection, first paragraph rejection of claims 7 and 8 be withdrawn.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (U.S. Patent No. 4,931,662, hereinafter "Burton"). Applicant respectfully traverses this rejection.

With respect to independent claim 5, Burton does not disclose or fairly suggest a hyperbaric chamber having an inlet in fluid communication with the hydraulic pump and an outlet, the hyperbaric chamber storing pressurized water delivered by the hydraulic pump, such that pressurized water is supplied to the turbine through the hyperbaric chamber outlet to drive the turbine and to generate electricity, as claim 5 requires.

Burton delivers the hydraulic fluid from the hydraulic pump directly to an electrical generator. Burton does not include a hyperbaric chamber which stores the pressurized water delivered by the hydraulic pump. Furthermore, Burton therefore cannot control the flow of the pressurized hydraulic fluid to the electrical generator as in the present invention.

For these reasons, claim 5 is not patentable over Burton. Accordingly, applicant respectfully requests that the Section 103(a) rejection of claim 5 as being unpatentable over Burton be withdrawn.

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Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Berg (U.S. Patent No. 4,792,290, hereinafter “Berg”). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to the patentability of claim 5 over Burton. Based upon those arguments, claim 5 is patentable over Burton. Claim 6, depending from claim 5, is also patentable over Burton, and any combination of Burton with Berg.

Furthermore, Berg does not disclose that its accumulator 56 includes a mixture of water and nitrogen gas.

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Gillis, Jr. et al. (U.S. Patent No. 3,521,853, hereinafter “Gillis, Jr.”). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to the patentability of claim 5 over Burton. Based upon those arguments, claim 5 is patentable over Burton. Claims 7 and 8, depending from claim 5, are also patentable over Burton, and any combination of Burton with Gillis, Jr.

Furthermore, with respect to claim 7, Gillis, Jr. does not disclose or fairly suggest an outflow regulating valve including a mechanical set for outflow fine adjustment including moveable claws cooperable with an outflow adjustment needle moveable in the valve main body. In Gillis, Jr., the throttling plunger 22 slides into a throttling passageway 10 of fixed circular cross-section, and a throttling insert 16, which may be made of a hard but inexpensive material, may be inserted into the valve seat insert body 8. (See FIG. 1 and column 3, lines 44 – 53).

In contrast, the presently claimed outflow regulating valve includes moveable claws that cooperate with the adjustment needle to provide for fine adjustment of outflow through the valve. Thus, the moveable claws provide the outflow passage with a variable, rectangular cross-section for adjustment of the fluid flow rate through the valve.

Therefore, the presently claimed valve is patentably distinct from Gillis, Jr. And Burton fails to remedy the deficiencies of Gillis, Jr.

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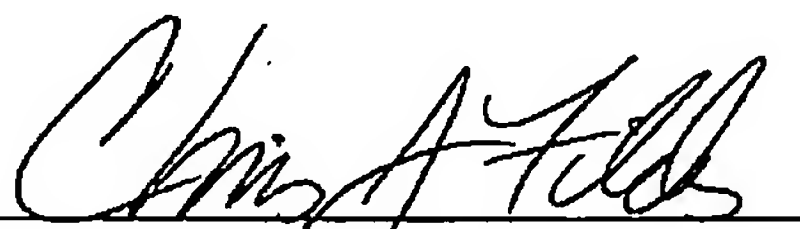
Claim 8, depending from claim 7, is also patentable over any possible combination of Burton with Gillis, Jr.

For all of these reasons, claims 7 and 8 are patentable over Burton and Gillis, Jr. Accordingly, applicant respectfully requests that the Section 103(a) rejection of claims 7 and 8 as being unpatentable over Burton in view of Gillis, Jr. be withdrawn.

A Petition For A Three-Month Extension Of Time and a PTO-2038 authorizing payment in the amount of \$1,110.00 to cover the fee under 37 CFR 1.17(a)(3) are included with this response.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,
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